



City of Seattle

Edward B. Murray, Mayor

Department of Construction and Inspections

Nathan Torgelson, Director

CITY OF SEATTLE ANALYSIS AND DECISION OF THE DIRECTOR OF THE SEATTLE DEPARTMENT OF CONSTRUCTION AND INSPECTIONS

Application Number: 3020670
Applicant Name: Jacob Young
Addresses of Proposal: 3838 59th Avenue SW

SUMMARY OF PROPOSAL

Land Use Application to allow one 3-story, two unit rowhouse in an environmentally critical area. Parking for two vehicles to be provided in attached garages. Existing structure to be demolished. Environmental Review includes future unit lot subdivision.

The following approval is required:

SEPA Environmental Determination (SMC Chapter 25.05)

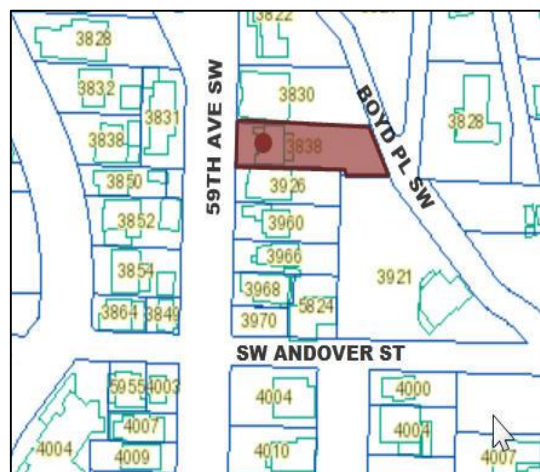
SEATTLE DCI SEPA DETERMINATION:

Determination of Non-Significance

- ☒ No mitigating conditions of approval are imposed.
Pursuant to SEPA substantive authority provided in SMC 25.06.660, the proposal has been conditioned to mitigate environmental impacts.
- ☐

Site and Vicinity:

Site Zoning: Lowrise 1 (LR1)/ Single Family 7200 (SF7200)



Nearby Zones: LR1 (North)
 LR1 (South)
 SF7200 (East)
 Lowrise 2 (West)

Site Characteristics and Background: The site comprises one parcel totaling approximately 7,400 square feet (sq. ft.) and contains a single family structure. The parcel, a through lot, has frontages on both 59th Ave SW and Boyd Pl SW. Vehicular and pedestrian access is from 59th Ave SW. The entire parcel is mapped as an Environmentally Critical Area (ECA) Potential Slide Area and a majority of the site is mapped as an ECA Steep Slope area, with the exception of a small portion of the site along the western edge.

Environmentally Critical Areas (ECA): A portion of the site is mapped Environmentally Critical Area – Steep Slope Area. The applicant applied for and received a Limited Steep Slope Exemption under Permit #6466444, as follows:

“Environmentally Critical Area (ECA) review is required. Based on a review of the submitted project and site information and the City GIS system, Seattle DCI concludes that the project appears to qualify for the criteria established in the Critical Areas Regulations, SMC 25.09.180.B2a. Specifically, the portions of the project that encroaches upon the ECA will be limited to areas of existing development. For this reason, Seattle DCI will waive the required ECA Steep Slope Variance associated with Seattle DCI Application No. 6466444. This approval is conditioned upon the approval of building permits for a design that demonstrates the proposed development and construction activity areas will be limited to areas of existing development and will be completely stabilized in accordance with provisions of the ECA Code, i.e., the proposed development must include design that sufficiently mitigates against ECA instability relative to foundations, retaining wall, and debris flow catchment. All other ECA Submittal, General, and Landslide-Hazard, and development standards still apply for this development. Please note that the subject site is also mapped as potential landslide due to geologic conditions and within an area of Seattle that is mapped by University of Washington as a mass wastage area (old slide debris).”

Public Comment: The Notice of Application comment period ended on July 22, 2015. No public comments were received during the comment period.

ANALYSIS – SEPA

The proposal is located in a mapped environmentally critical area (ECA) due to steep slopes and potential slides. However, the subject site received a limited exemption from the development standards for steep slopes on May 13, 2015. The property is still subject to all other ECA standards and is regulated as a potential landslide site, thus the application is not exempt from SEPA review. However, SMC 25.05.908 provides that the scope of environmental review of projects within critical areas shall be limited to: 1) documenting whether the proposal is consistent with the City’s Environmentally Critical Areas (ECA) regulations in SMC 25.09; and

2) evaluating potentially significant impacts on the critical area resources not adequately addressed in the ECA regulations. This review includes identifying additional mitigation measures needed to protect the ECAs in order to achieve consistency with SEPA and other applicable environmental laws.

Environmental review resulting in a Threshold Determination is required pursuant to the State Environmental Policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code Chapter 25.05).

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated June 2, 2015. A geotechnical report dated June 23, 2015 (E3RA, Inc.) and Supplemental Slope Stability Evaluation and Revised Plan Review Letter revised May 26, 2016 (Migizi Group, Inc.) were also submitted. The information in the checklist, the geotechnical report, slope stability evaluation, supplemental information submitted by the applicant, and the experience of the lead agency with the review of similar projects form the basis for this analysis and decision.

The Seattle Department of Construction and Inspections has analyzed and annotated the environmental checklist submitted by the project applicant; reviewed additional information in the file; and any comments which may have been received regarding this proposed action have been considered. As indicated in this analysis, this action will result in adverse impacts to the environmentally critical area. However, due to their temporary nature and limited effects, the impacts are not expected to be significant.

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, and certain neighborhood plans and other policies explicitly referenced, may serve as the basis for exercising substantive SEPA authority. The Overview Policy states, in part, "Where City regulations have been adopted to address and environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation," subject to some limitations. Short-term adverse impacts are anticipated from the proposal. No adverse long-term impacts on the environmentally critical areas are anticipated.

Short-term Impacts

The following temporary or construction-related impacts are expected: temporary soil erosion and increased vibration from construction operations and equipment. Compliance with applicable codes and ordinances will reduce or eliminate most adverse short-term impacts to the environment. However, the following warrants further discussion.

Earth / Soils

The ECA Ordinance and Directors Rule (DR) 18-2011 require submission of a soils report to evaluate the site conditions and provide recommendations for safe construction in landslide prone areas. Pursuant to this requirement the applicant submitted a geotechnical report dated June 23, 2015 (E3RA, Inc) and Supplemental Slope Stability Evaluation and Revised Plan

Review Letter dated May 26, 2016 (Migizi Group, Inc.). The Stormwater Code requires preparation of a soils report to evaluate the site conditions and provide recommendations for safe construction on sites where grading will involve cuts or fills of greater than three feet in height or grading greater than 100 cubic yards of material.

The geotechnical study has been reviewed by Seattle DCI's geotechnical experts who determined that the impacts to soils can be sufficiently mitigated through the Grading Code and Stormwater Code review by the Geotechnical Engineer during the Building Permit phase of review. The applicant will be required to submit geotechnical studies and any other information to determine compliance with those Codes during Building Permit review. No additional mitigation is warranted pursuant to SEPA policies.

Long -term Impacts

Long term or use-related impacts on the environmentally critical area are also anticipated as a result of this proposal and future unit lot subdivision, including: increased surface water runoff due to greater site coverage by impervious surfaces and loss of plant and animal habitat. Compliance with applicable codes and ordinances will reduce or eliminate most adverse long-term impacts to the environment.

No further conditioning or mitigation is warranted pursuant to specific environmental policies or the SEPA Overview Policy (SMC 25.05.665).

DECISION – SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- ☒ Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21.030(2) (c).

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030 (2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

This DNS is issued after using the optional DNS process in WAC 197-11-355 and Early review DNS process in SMC 25.05.355. There is no further comment period on the DNS.

CONDITIONS - SEPA

None required.

BreAnne McConkie, Land Use Planner Date: June 23, 2016
Department of Construction and Inspections

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IMPORTANT INFORMATION FOR ISSUANCE OF YOUR MASTER USE PERMIT

Master Use Permit Expiration and Issuance

The appealable land use decision on your Master Use Permit (MUP) application has now been published. At the conclusion of the appeal period, your permit will be considered “approved for issuance”. (If your decision is appealed, your permit will be considered “approved for issuance” on the fourth day following the City Hearing Examiner’s decision.) Projects requiring a Council land use action shall be considered “approved for issuance” following the Council’s decision.

The “approved for issuance” date marks the beginning of the **three year life** of the MUP approval, whether or not there are outstanding corrections to be made or pre-issuance conditions to be met. The permit must be issued by Seattle DCI within that three years or it will expire and be cancelled. (SMC 23-76-028) (Projects with a shoreline component have a **two year life**. Additional information regarding the effective date of shoreline permits may be found at 23.60.074.)

All outstanding corrections must be made, any pre-issuance conditions met and all outstanding fees paid before the permit is issued. You will be notified when your permit has issued.

Questions regarding the issuance and expiration of your permit may be addressed to the Public Resource Center at prc@seattle.gov or to our message line at 206-684-8467.